



**TOWN OF
TUFTONBORO**
"The Diamond in the Heart
of New Hampshire"

Voter's Guide to Proposed Zoning Amendments

Amendment #1: Reverse the order of these sections.

Existing

I. DEFINITIONS

II. AUTHORITY AND PURPOSES

Proposed

I. .AUTHORITY AND PURPOSES

II. DEFINITIONS

The purpose of this amendment is to order the sections in a more logical fashion.

Amendment #2: Delete the word "Family" and replace it with "Household."

1.1.19 Dwelling Unit: One (1) or more rooms, including cooking facilities in a dwelling structure with accompanying sanitary facilities, designed as a unit for occupancy by not more than one (1) ~~Family~~ **Household** for living and sleeping purposes.

The purpose of this amendment is to eliminate the definition of Family, which is difficult to define and enforce, and replace it with a term that is used by the U.S. Census and others in describing persons living together.

Amendment #3: Delete the definition of "Family" and replace it with a definition for "Household."

~~1.1.21 Family: Individual(s) occupying a Dwelling Unit and living together as a single housekeeping unit and doing their cooking together, provided that unless all members are related by blood, marriage, or adoption, no such Family shall contain more than five persons.~~

"Household: All the people who occupy a single housing unit, regardless of their relationship to one another. A household can be constituted by a single person."

The purpose of this amendment is the same as Amendment #2.

Amendment #4: Add two definitions to the Definitions Section.

"Nonconforming Building: A building that lawfully existed prior to the adoption of the effective date of the ordinance with which it is now in conflict."

"Nonconforming Lot: Means a lot that lawfully existed prior to the adoption of the effective date of the ordinance with which it is now in conflict.

Since the ordinance only defines Nonconforming "uses", the purpose of this amendment is to add clarity to the ordinance in regard to the other types of nonconformities.

Amendment #5: Add a definition for “Wetlands” in the Definition Section and replace references in Section XII to “Very Poorly Drained and Poorly Drained Soils” with “wetlands.”

“Wetland: An area that, either through surface water or groundwater, is wet enough and wet for a long enough period of time, to support a predominance of vegetation that grows in saturated soil conditions. In order for an area to be deemed a wetland, all three (3) of the following must be present:

- Hydric Soils – Soils that are saturated or flooded during the growing season sufficient to produce anaerobic conditions in the upper soil layers.
- Hydrophytic Vegetation – Greater than 50% of the vegetation present is adapted for life in saturated soil conditions.
- Hydrology – Evidence exists that demonstrates the soils in the area are inundated with water either permanently or periodically throughout the growing season.”

12.5.3 Special Provisions: A. No septic tank or leach field may be constructed or enlarged closer than seventy five (75) feet laterally to any ~~Very Poorly Drained Soils~~ **wetland** or surface water, nor any closer than fifty (50) feet laterally to any ~~Poorly Drained Soils~~ **wetland**, unless the individual disposal system is in failure and the replacement is in the same location. ~~Poorly Drained Soils and Very Poorly Drained Soils are as defined by New Hampshire Department of Environmental Services.~~

The purpose of this amendment is to simplify the administration of the ordinance and to ensure that the wetland definition in the ordinance is consistent with the definition recognized by the NH Department of Environmental Services.

Amendment #6: Change the title of Section II - “Wetland Conservation District” to “Wetlands”, make the same change to all other references in the Zoning Ordinance, and removed “WTC” from Section 3.6 Table of Use.

SECTION XII:

~~WETLANDS CONSERVATION DISTRICT~~

The purpose of this amendment is to remove an inconsistency from the Table of Uses since there is no designated conservation district.

Amendment #7: Add a new section to Section III – Districts and Uses, 3.7.6 - Accessory Dwelling Units, and including a definition for Accessory Dwelling Units to the Definitions Section.

New Definition. 1.1.4 Accessory Dwelling Unit: A residential living unit that is within or attached to a single-family dwelling or in a separate structure on the same property, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies.

New Section. 3.7.6 Accessory Dwelling Units: In accordance with RSA 674: 71-73, Accessory Dwelling Units (ADU’s) are permitted in the districts enumerated in Section III, Table of Uses, subject to the following:

3.7.6.1 ADU’s may be either within or attached to the principal dwelling unit, or detached in a separate structure on the lot.

3.7.6.2 An ADU must be subordinate in size to the principal dwelling unit.

3.7.6.3 Owner-occupancy of the property is required, either in the principal dwelling unit or in the ADU. Ownership shall be certified at the building permit process and must be provided in writing to the Code Officer at the end of each calendar year.

3.7.6.4 Only one ADU per single-family dwelling is allowed.

3.7.6.5 An interior door shall be provided between the principal dwelling unit and an ADU, which may not be required to be locked.

3.7.6.6 One additional off-street parking space shall be provided for each ADU.

3.7.6.7 If attached, the ADU must maintain the aesthetic continuity of the principal dwelling as a single-family dwelling.

3.7.6.8 Where feasible, there shall be only one driveway serving both the principal and the Accessory Dwelling Unit.

3.6 Table of Uses: Add #6. Accessory Dwelling Units.

USES	DISTRICTS						
	LDR	MDR	LKR	NHB	OSF	ISC	WTC
A. RESIDENTIAL USES							
1. Single Family Building	P	P	P	P	P	P	
2. Duplex	P	P	P	P	P	P	
3. Cluster Developments in accordance with Section VIII of this Ordinance.	P	P	P	P	P	P	
4. Manufactured Housing in Accordance with Section IX of this Ordinance	P	P	X	X	X	X	
5. Small Wind Energy Systems	P	P	P	P	P	P	
6. Accessory Dwelling Units in accordance with Section 3.7.6 of this Ordinance	P	P	P	P	P	P	

The purpose of this amendment is to comply with revised state-wide legislation and to expand options for housing choice.

Amendment #8: Add a new section to Section 5.1 that addresses changes to nonconforming lots.

5.1.3 NON-CONFORMING LOTS OF RECORD (Grandfather Clause)

5.1.3.1 In any district, a vacant lot that was a lawful lot of record as of the effective date of this ordinance may be developed for the uses permitted in that district, even though the lot does not conform to the area or frontage requirements of this ordinance. The applicable district requirements for yard setbacks and state septic system requirements shall still apply.

5.1.3.2 Any non-conforming lot may be enlarged, even though the enlargement does not make the lot conforming.

The purpose of this amendment is to allow existing, legal lots of record to be built on without zoning board approval; and to allow non-conforming lots to become more conforming.

Amendment #9: Delete Section XI – Excavation, in its entirety and renumber the ordinance accordingly.

The purpose of this amendment is to place the authority for Excavation with the Planning Board as a regulation (administered by the Planning Board) and not an ordinance (requires ZBA approval for any change). This offers more flexibility in administering the regulation and streamlines the process for an applicant.

Amendment #10: Add a new section to the Wetlands ordinance that requires a setback for structures and impervious surfaces.

12.5.3 Special Provisions:

A. No septic tank or leach field may be constructed or enlarged closer than seventy-five (75) feet laterally to any Very Poorly Drained Soils or surface water, nor any closer than fifty (50) feet laterally to any Poorly Drained Soils, unless the individual disposal system is in failure and the replacement is in the same location. Poorly Drained Soils and Very Poorly Drained Soils are as defined by New Hampshire Department of Environmental Services.

A.1. No structure or impervious surface may be constructed or enlarged closer than twenty-five (25) feet laterally to any Very Poorly Drained or Poorly Drained Soils.

The purpose of this amendment is to provide additional protection to wetlands by requiring a setback for structures and impervious surfaces.

Amendment #11: Increasing the number of alternates from three to five alternates, as allowed by state law?

17.2 MEMBERSHIP The Board of Adjustment shall consist of five regular members and up to ~~three~~**five** alternate members who shall be appointed by the Board of Selectmen and be residents of the community as provided by the New Hampshire Revised Statutes Annotated under RSA 673:3 and 673:6.

The purpose of this amendment is to be consistent with state law.